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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,383	07/03/2003	Hartono Liman	PA2229US	7217
22830	7590	04/14/2009		
CARR & FERRELL LLP 2200 GENG ROAD PALO ALTO, CA 94303			EXAMINER FLYNN, KEVIN H	
			ART UNIT 3628	PAPER NUMBER
			MAIL DATE 04/14/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/613,383

Applicant(s)

LIMAN, HARTONO

Examiner

KEVIN FLYNN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008 and 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6, 8-12, 14-16 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-12, 14-16 and 18-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the response filed on 25 February 2009.
2. Claims 1, 2, 8, 15, 20, 21 have been amended.
3. Claims 1-4, 6, 8-12, 14-16, 18-30 are currently pending and have been examined.

Response to Arguments

4. Regarding the previous 35 USC § 101 rejections, Applicant has successfully amended the claims, and accordingly the rejection is rescinded.
5. Regarding the prior art references, Applicant specifically argues that "Kerr is directed to rate categories not inventory categories", and "rate categories which are not equivalent to room or inventory categories, at least, because different room or inventory categories may be embodied within each rate category" (Applicant arguments p. 12-13).
6. Examiner respectfully disagrees with Applicant. First, the independent claims recite "inventory categories" and "tiers", which are sufficiently broad terms that "rate categories" of Kerr can satisfy "inventory categories" and "room-types" of Kerr can satisfy tiers, in which case the passage in col. 4, lines 5-15 discloses the limitations.
7. In addition, considering the entire piece of art, Kerr also teaches that the total number of rooms available for each room-type over every rate category is greater than the total number of room types available. Specifically, in col. 4, line 50, discloses a matrix sum for each room type. The term "for all j" corresponds to each specific room-type, and the inequality " $\sum AA_{ij} > AA_{ij}$ " requires that the sum of all the room-types available over all the specific rate categories > the total rooms available for that room-type. Accordingly, Kerr teaches both that the room-types available over the specific rate category is greater than the maximum allowed for the category

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(col. 4, lines 5-15) and that rate categories over a specific room-type are greater than the maximum allowed for the room type (col. 4, line 50).

8. In addition, see updated rejection below.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

10. Claims 1-4, 6, 8-10, 14-16, 18-26, 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr et al. (US 5,404,291) in view of Walker et al. (US 6,085,169) in view of in view of Norrid (US 2003/0061145 A1).

Claim 1:

Kerr, as shown, discloses the following limitation(s):

- *whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category* (Kerr col. 4, lines 6-15);
and

In addition, considering the entire piece of art, Kerr also teaches that the total number of rooms available for each room-type over every rate category is greater than the total number of room types available. Specifically, in col. 4, line 50, discloses a matrix sum for each room type. The term "for all j" corresponds to each specific room-type, and the inequality "Sum $AA_i > AA_{o_j}$ " requires that the sum of all the room-

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types available over all the specific rate categories > the total rooms available for that room-type. Accordingly, Kerr teaches both that the room-types available over the specific rate category is greater than the maximum allowed for the category (col. 4, lines 5-15) and that rate categories over a specific room-type are greater than the maximum allowed for the room type (col. 4, line 50).

Regarding the limitation:

- *an allotment database embodied on a computer readable storage medium and accessible by a processor for storing maximum inventory allotments corresponding to inventory categories for each tier* (Kerr col. 3, line 65- col. 4, lines 3),

Kerr, in at least col. 3, line 65- col. 4, lines 3, discloses inventory allotments and a relationship, to the inventory categories. In addition, Walker, in at least Fig. 14, and col. 18, lines 17-34, discloses the storing the maximum inventory corresponding to inventory categories within each tier. It would have been obvious to ordinary skill in the art at the time of the invention to combine the method of using inventory allotments and categories with the technique of relating them to tiers so "that the reservations-manager does not need to make a specific, rigid allocation of rooms by physical room-type to a rate-category" (Kerr col. 4, lines 12-15).

Kerr and Norrid disclose the following limitation:

- *an allotment engine configured for monitoring the maximum inventory allotments for each tier and the total inventory available for each inventory category* (Norrid ¶ 0057 "a limit to the number of rooms available at each rate may be imposed"), *and configured to make a reservation for a particular inventory category upon receiving a reservation request from a requesting user that is both for less than or equal to the maximum inventory allotment for the tier associated with the requesting user and is for less than or equal to the total inventory available* (Kerr col. 5, lines 17-24; Fig. 2, 42-"Check general availability").

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of having inventory and pricing tiers with the technique of monitoring the allotments of the pricing tiers and inventory because it "may allow for increasing or decreasing rates as sales are received from each booking party" (Norrid ¶ 0057).

Claim 2:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 1. In addition, Kerr also discloses the following limitation(s):

- *wherein the inventory is hotel rooms and the inventory categories are hotel room categories, and the total inventory available for a single inventory category is a total inventory of a particular hotel room category available at a single hotel* (Kerr col. 5, line 23 "inventory available for this room-type"; Kerr col. 4 lines 1-2).

Claim 3:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 1. In addition, Kerr also discloses the following limitation(s):

- *an availability database for storing the total inventory available* (Kerr col. 5, line 25).

Claim 4:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 1. In addition, Kerr also discloses the following limitation(s):

- *a registration engine for verifying registered users and directing the registered user to their assigned tier* (Norrid ¶ 0051 showing a registered user database; ¶ 0073 showing direction to an appropriate website).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique ensuring users are directed to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Claim 6:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 1. Regarding the limitation:

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- *at least one database comprising a plurality of rates wherein each of the plurality of rates corresponds to a different inventory category and tier* (Walker Fig. 13, col. 13, lines 1-3; see also Kerr col. 3, lines 26-30).

Kerr, in at least col. 3, lines 26-30, discloses a plurality of rates, but does not specifically disclose how they correspond to different inventory categories and tiers. However, Walker, in at least Fig. 13, col. 13, lines 1-3, does. It would have been obvious to ordinary skill in the art at the time of the invention to combine the method of using inventory allotments and categories with the technique of relating them to tiers so "that the reservations-manager does not need to make a specific, rigid allocation of rooms by physical room-type to a rate-category" (Kerr col. 4, lines 12-15).

Claim 8 and 15:

Kerr, as shown, discloses the following limitation(s):

- *whereby a total of the maximum inventory allotments for all tiers in a single inventory category is greater than a total inventory available for the single inventory category* (Kerr col. 4, lines 6-15);

In addition, considering the entire piece of art, Kerr also teaches that the total number of rooms available for each room-type over every rate category is greater than the total number of room types available. Specifically, in col. 4, line 50, discloses a matrix sum for each room type. The term "for all j" corresponds to each specific room-type, and the inequality " $\text{Sum } AA_j > AA_{o_j}$ " requires that the sum of all the room-types available over all the specific rate categories > the total rooms available for that room-type. Accordingly, Kerr teaches both that the room-types available over the specific rate category is greater than the maximum allowed for the category (col. 4, lines 5-15) and that rate categories over a specific room-type are greater than the maximum allowed for the room type (col. 4, line 50).

- *comparing the reservation request with the total inventory available for the particular inventory category* (Kerr col. 5, lines 17-24; Fig. 2, 42-"Check general availability"); and
- *fulfilling the reservation request for the particular inventory category if the reservation request is both for less than or equal to the maximum inventory allotment for the tier and for less than or*

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equal to the total inventory available (Kerr col. 5, lines 17-24; Fig. 2, 42-"Check general availability").

Regarding the limitation:

- *assigning a maximum inventory allotment for each inventory category to each tier.*

Kerr, in at least col. 3, line 65- col. 4, lines 3, discloses inventory allotments and a relationship, to the inventory categories. In addition, Walker, in at least Fig. 14, and col. 18, lines 17-34, discloses the storing the maximum inventory corresponding to inventory categories within each tier. It would have been obvious to ordinary skill in the art at the time of the invention to combine the method of using inventory allotments and categories with the technique of relating them to tiers so "that the reservations-manager does not need to make a specific, rigid allocation of rooms by physical room-type to a rate-category" (Kerr col. 4, lines 12-15).

Regarding the limitation:

- *comparing the reservation request for a particular inventory category from a member of a tier with the maximum inventory allotment corresponding to the particular inventory category for the tier* (Norrid ¶ 0057 "a limit to the number of rooms available at each rate may be imposed");

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of having inventory and pricing tiers with the technique of monitoring the allotments of the pricing tiers and inventory because it "may allow for increasing or decreasing rates as sales are received from each booking party" (Norrid ¶ 0057).

Claim 9:

See above rejection regarding claims 8 and 2.

Claim 10:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 8. In addition, Walker discloses the limitation:

- *updating the total inventory available after fulfilling the reservation* (Walker col. 18, lines 20-23).

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It would have been obvious to combine the method of monitoring reservations with the technique of updating the total inventory after fulfilling a reservation in order to prevent "over-selling" (Kerr col. 2, line 26).

Claim 14:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 8. Regarding the limitation:

- *charging the member a rate corresponding to the member's tier for the particular inventory category.*

Kerr, in at least col. 3, lines 26-30, discloses a plurality of rates, but does not specifically disclose how they correspond to different inventory categories and tiers. However, Walker, in at least Fig. 13, col. 13, lines 1-3, does. It would have been obvious to ordinary skill in the art at the time of the invention to combine the method of using inventory allotments and categories with the technique of relating them to tiers so "that the reservations-manager does not need to make a specific, rigid allocation of rooms by physical room-type to a rate-category" (Kerr col. 4, lines 12-15).

Claim 16 and 20:

See above rejection of claim 8. In addition, Norrid discloses the remaining limitations:

- *establishing a plurality of tiers* (Norrid ¶ 0055);
- *assigning each user to one of the plurality of tiers* (Norrid ¶ 0055; Table 1);

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique assigning users to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Claim 18:

See above rejection regarding claims 16 and 2.

Claim 19:

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See above rejection regarding claims 16 and 6.

Claim 21:

See above rejection regarding claims 16. In addition Norrid discloses the limitation:

- *a user engine configured for organizing the users into a plurality of tiers* (Norrid ¶ 0055; Table 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique assigning users to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Claim 22:

See above rejection regarding claims 21 and 2.

Claim 23:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. In addition, Kerr discloses the following limitation:

- *wherein the management engine further comprises an allotment engine configured for determining if the reservation request for inventory may be fulfilled* (Kerr col. 5, lines 17-24; Fig. 2, 42-"Check general availability").

Claim 24:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. In addition, Kerr discloses the following limitation:

- *wherein a tier of the plurality of tiers comprises at least one user* (Kerr col. 3, lines 26-30; see also Norrid ¶ 0055 and Table 1).

Claim 25:

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Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. In addition, Kerr discloses the following limitation:

- *wherein a tier of the plurality of tiers comprises a grouping of users having similar characteristics* (Kerr col. 3, lines 26-30; see also Norrid ¶ 0055).

Claim 26:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. In addition, Norrid discloses the following limitation:

- *wherein the user engine further comprises a travel agent engine and the plurality of tiers are travel agent tiers* (Norrid ¶ 0036 "travel agents"; and ¶ 0055 showing specific special room rates).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique assigning users to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Claim 28:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. In addition, Norrid discloses the following limitation:

- *wherein the user engine further comprises an other segment engine and the plurality of tiers are other segment tiers* (Norrid ¶ 0055 and Table 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique assigning users to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Claim 29:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. In addition, Norrid discloses the following limitation:

- *wherein the user engine further comprises a guest engine* (Norrid ¶ 0073).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique assigning users to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Claim 30:

See above rejection regarding claims 21 and 10.

11. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr/Walker/Norrid in view of Schiff et al. (US 2003/0004760).

Claim 11:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 8. Regarding the limitation:

- *requiring the member to provide a member login and password in order to access the tier.*

Norrid, in at least ¶ 0077, discloses a password, but does not include a login. However, Schiff, in at least ¶ 0125, discloses both a username and password. It would have been obvious to combine the method of including a password with the technique of including a login in order to ensure proper security for the system.

12. Claims 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr/Walker/Norrid in view of Schiff et al. (US 2003/0004760) in view of Ghouri et al. (US 2002/0082978 A1).

Claim 12:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 8. Regarding the limitation:

- *requiring the member to provide a promotion code in order to access the tier.*

Schiff, in at least ¶ 0155-0156, discloses a promotional rate for a reservation, but does not specifically disclose entering a promotion code. However, Ghouri, in at least ¶ 0064, discloses using a promotion code to gain special access. It would have been obvious to combine the method of pricing reservations

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with the technique of using promotions and promotion codes in order to gain the increased business provided by promotional pricing with the advantage of ensuring only an exclusive group has access to the special rate.

13. Claims 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr/Walker/Norrid in view of Rabideau et al. (US 2002/0010664 A1).

Claim 27:

Kerr/Walker/Norrid, as shown above, discloses the limitations of claim 21. Regarding the limitation:

- *wherein the user engine further comprises a corporate engine and the plurality of tiers are corporate tiers.*

Norrid, in at least ¶ 0055 discloses group discounts, but does not specifically disclose corporate discounts. However, Rabideau, in at least ¶ 0004, discloses corporate discounts within a reservation system. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the method of using pricing tiers with the technique assigning users to their particular tier to ensure the ability of "a hotel to maintain its own records of rates" (Norrid ¶ 0026).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kevin H. Flynn** whose telephone number is **571.270.3108**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **John W. Hayes** can be reached at **571.272.6708**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/Kevin H. Flynn/
Examiner, Art Unit 3628
9 April 2009

/John W Hayes/
Supervisory Patent Examiner, Art Unit 3628